

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, STATE OF
CONNECTICUT, STATE OF MARYLAND, and
STATE OF NEW JERSEY,

Plaintiffs,

v.

STEVEN T. MNUCHIN, in his official capacity as
Secretary of the United States Department of
Treasury; the UNITED STATES DEPARTMENT OF
TREASURY; CHARLES P. RETTIG, in his official
capacity as Commissioner of the United States
Internal Revenue Service; the UNITED STATES
INTERNAL REVENUE SERVICE; and the UNITED
STATES OF AMERICA,

Defendants.

18 Civ. 6427 (JPO)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, defendants Steven T. Mnuchin, in his official capacity as the Secretary of the Treasury; the United States Department of the Treasury; Charles P. Rettig,¹ in his official capacity as Commissioner of Internal Revenue; the Internal Revenue Service; and the United States of America, by their attorney, Geoffrey S. Berman, United States Attorney for the Southern District of New York, shall move this Court for an order dismissing the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Charles P. Rettig, the Commissioner of Internal Revenue, is automatically substituted as a defendant for David J. Kautter, the former Acting Commissioner of Internal Revenue.

Dated: New York, New York
November 2, 2018

Respectfully submitted,

RICHARD E. ZUCKERMAN
Principal Deputy Assistant Attorney General
U.S. Department of Justice, Tax Division

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